

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 13529 of 2015 (M)

PETITIONER(S) :

M/S.BUILTEC FOUNDATIONS AGED 31 YEARS
1172-C7, THOPPIL ESTATE, JANATHA VYTTILA
KOCHI 682019 REPRESENTED BY ITS PARTNER

BY ADVS.SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)
SRI.M.A.AUGUSTINE

RESPONDENT(S) :

1. THE CIRCLE INSPECTOR OF POLICE
NJARAKKAL 682505

2. THE CONSTRUCTION WORKERS UNION CITU)
CANAL SHED ROAD, BOAT JETTY, ERNAKULAM
KOCHI-682011 REPRESENTED BY ITS SECRETARY, SRI HAMZA

3. THE DISTRICT CONSTRUCTION WORKERS INTUC)
KALABHAVAN ROAD, KOCHI-6820128, REPRESENTED BY ITS
PRESIDENT SRI KP HARIDAS

4. ERNAKULAM JILLA NIRMANA THOZHILALI SANGAH (BMS)
IS PRESS ROAD
KOCHI 682018 REPRESENTED BY ITS GENERAL SECRETARY
SHRI KS ANILKUMAR

5. COCHIN THURAMUGHA THOZHILALI UNION
PB NO, 183
KOCHI-682003 REPRESENTED BY ITS VICE PRESIDENT

6. THE SWATHANATHRA THOZHILALI UNION
CH MUHAMMED KOYA SMARAKA SOUDHOM, ERNAKULAM

7. ERNAKULAM DISTRICT CONSTRUCTION & GENERAL WORKERS UNION
REG. NO. 159/85(AFFILIATION TO AITUC & WFTU)
CS ROAD, TU HOUE
KOCHI 682011 REPRESENTED BY ITS GENERAL SECRETARY

R6 BY ADV. SRI.JOSY ANTONY
R3 BY ADV. SRI.C.S.AJITH PRAKASH
R3 BY ADV. SRI.P.S.SYAMKUTTAN
R4 BY ADV. SRI.K.SHRIHARI RAO
R4 BY ADV. SMT.N.SHOBHA
R4 BY ADV. SRI.A.S.SREEKANTH
R1 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13529 of 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE WORK ORDER DATED 16 TH APRIL, 2015
ISSUED BY M/S. ABAD FISHERIES PRIVATE LIMITED TO THE PETITIONER

EXHIBIT P2: COPY OF PETITION DATED 29.4.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT

EXHIBIT P3: COPY OF JUDGMENT DATED 19TH NOVEMBER, 2015 IN WPC
NO, .28310 OF 2014

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P(C).No.13529 of 2015

Dated this the 3rd June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection in the matter relating to the work being carried on by the petitioner as per Exhibit P1 work order. It is submitted that the petitioner has obtained the work of piling from M/s.Abad Fisheries Private Limited as per Exhibit P1 work order dated 16.4.2015. It is stated that respondents 3 to 7 have created obstruction to the work being carried on by the petitioner. It is stated that the petitioner has option to employ their own workers, but the respondent Unions have insisted that their members should be engaged for the work.

2. A counter affidavit has been filed by the third respondent stating that their members are permitted to do the work by the petitioner. The fourth respondent has

also filed a counter affidavit stating that they are residents of the locality and the petitioner ought to have engaged their members for the work as well.

3. Having regard to the aforesaid factual situation, it is clear that the private respondents cannot insist that their members should be permitted to carry on the work. The petitioner being an independent contractor, they have right to engage their own workers for carrying on the specialised job. In the said circumstances, we are of the view that if there is any illegal obstruction from the party respondents or their men, the first respondent shall ensure maintenance of law and order and also ensure that no such obstruction is created in the work carried on by the petitioner.

With the above observation, the Writ Petition is disposed of.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**